



# CUSD SPECIAL EDUCATION PROCEDURAL HANDBOOK

PARENT EDITION



# **Welcome to the Capistrano Unified School District Special Education Procedural Handbook PARENT GUIDE**

The purpose of this comprehensive handbook is to provide CUSD parents and guardians with information and an overview regarding District procedures, processes, and expectations in special education and interventions. By referencing the procedures in this handbook, families will be informed and empowered to successfully support their children who require special education programs and services.

The handbook is separated into chapters and paginated in order to easily find the information that you need. The Parent Guide to the Procedural Handbook can be used as a reference prior to, and throughout, the IEP process.

The Student Support Services (S3) Team is committed to providing you and your IEP team members with the support that you need to successfully support your child.

# CUSD Procedural Handbook

## Parent Edition

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## **Chapter 1: Assessment and Eligibility**

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## **CHAPTER 1: ASSESSMENT AND ELIGIBILITY**

### **ASSESSMENTS**

An individual assessment of the student's current functioning and educational needs should be conducted before any action is taken with respect to the initial placement of an individual with exceptional needs in special education.

When determining eligibility for Special Education, there are two main questions to review:

1. *Does the student meet the eligibility requirements for Special Education in a specific disability category?*
2. *Does this disability adversely impact the student's educational performance to the extent the student requires specialized instruction?*

#### **Assessment Planning**

Before a student can be assessed for eligibility for special education or reassessed while receiving special education and related services, CUSD must develop an Assessment Plan and provide it to the parents for their approval. The Assessment Plan shall address **all areas of suspected need**.

The Assessment Plan is developed ***collaboratively*** by some or all of the following personnel, depending upon the student's disability or suspected area of disability:

- Parent(s)
- General Education Teacher
- Special Education Teacher
- School Psychologist
- School Nurse
- Related Services Personnel\* as required  
Speech Language Pathologist  
Occupational Therapist  
Adaptive PE Teacher  
Assistive Technology Specialist  
Audiologist

**NOTE: Specialists must be consulted prior to developing an assessment plan**

Teams developing a special education Assessment Plan should use information from:

- The written request for a special education assessment
- The parent
- School records, including teacher interviews and observations, student work samples, and other knowledge gathered through a process that reviews the student's achievement
- The Student Success Team (SST) recommendations, including accommodations and modification
- Recent evaluations, including any Independent Educational Evaluations (IEE) provided by the parent
- Existing evaluation information provided by the parents, current classroom based assessments, and observations by teachers and related services providers

### **The Function of the Assessment Team**

The members of the IEP team, including the assessors, must perform the following tasks:

1. Identify and evaluate all areas of suspected disability.
2. Determine present levels of functioning and baselines of educational performance.
3. Consider any independent assessments submitted by the parents. If outside agencies (Regional Center, medical doctors, psychologists, etc.) are involved with the student, complete a Release of Information (ROI) to gather additional Educational/Medical/Mental Health/Psychiatric Information to the School District form when the assessment team determines a need to gather information/records from these agencies.
4. Provide written report that is reviewed in the context of an IEP meeting within 60-day timeline. The personnel who assess the student shall prepare a written report, or reports as appropriate, of the results of each assessment. If parents request report in advance of meeting, it must be provided as soon as the report is available. Best practice suggests that a draft report is provided to parent prior to the meeting. The report shall include, but not be limited to, all the following:
  - Whether the student may need special education and related services.
  - The basis for making the determination.
  - The relevant behavior noted during the observation of the student in an appropriate setting.
  - The relationship of that behavior to the student's academic and social functioning, as evidenced by observations in an academic and social setting.
  - The educationally relevant health and development, and medical findings, if any.
  - For students with learning disabilities, whether there is such a discrepancy between achievement and ability that cannot be corrected without special education and related services.
  - A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
  - The need for specialized services, materials, and equipment for students with low incidence disabilities, consistent with guideline established pursuant to Section 56136.
5. Develop IEP, if appropriate, based upon the student's unique needs.
6. To develop the IEP, eligibility decisions must be based on three factors: the eligibility criteria, the adverse effects on a student's educational performance, and requirement for special education and related services.

### **Assessment Team Duties**

**Include the following on the Assessment Plan:**

- Health and Developmental History is completed by parent for initials; Health Summary is completed by the district nurse for triennials.
- Health, which includes a vision and hearing screening if results are more than one year old.
- Working collaboratively with team members, include assessments by the following staff as needed:
  1. District Nurse (if medical information is significant)
  2. Related Service providers as appropriate
  3. Classroom observation by teacher(s) and/or related service providers
  4. Psychologist
  5. Education Specialist (academic achievement assessments and related academic functioning levels)



### Preschool-1st Grade

- Minimum of 2 standardized academic achievement assessments for initial assessments, and a minimum of 1 standardized academic achievement assessment for triennials.
  - **Note:** If assessments are given and conflicting results arise, additional assessments should be administered.

### Grades 2-12

- Minimum of 2 standardized academic achievement assessments for initial assessments, and a minimum of 1 standardized academic achievement assessment for triennials.
  - **Note:** If assessments are given and conflicting results arise, additional assessments should be administered.
- DIBELS (or similar achievement assessment) testing results, if applicable.
- State testing results for grades 3-11.

In addition to the assessment information listed above, below are other useful alternative academic achievement tools to include in the report:

- Grades /report cards / progress notices
- State testing results (3-11)
- Work Samples/portfolios
- Curriculum Based Assessments

**Note: The practice of conducting individual screenings to determine eligibility does not replace the data gathered in a formal assessment.**

### If Student Qualifies and Parents Decline Services

- In IDEA 2004, parents have the right to refuse services for an Initial IEP. This refusal should be documented in the IEP Team Meeting Notes. Please contact the Compliance Department when this occurs.

### If Student Does Not Qualify

- Complete the appropriate forms in the IEP documentation system.

## **CATEGORIES OF DISABILITY ACCORDING TO THE DEPARTMENT OF EDUCATION**

### **Autism**

A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child's educational performance.

### **Deafness**

A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.

### **Deaf/Blind**

Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

### **Emotional Disturbance**

An emotional disturbance exhibited over a long period of time, to a marked degree and is not due to social maladjustment, which adversely affects educational performance.

### **Established Medical Disability**

Disabling medical condition or congenital syndrome that the IEP team determines has a high predictability of requiring special education and services. This can only be used up to age five.

### **Hearing Impairment**

An impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

### **Intellectual Disability**

Significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

### **Multiple Disabilities**

Two or more concomitant impairments, the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments.

### **Orthopedic Impairment**

A severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

### **Other Health Impairment**

A severe health impairment characterized by having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment.

**Specific Learning Disability**

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

**Speech or Language Impairment**

A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

**Traumatic Brain Injury**

An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

**Visual Impairment**

An impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

## Differences between an IEP and Section 504 Plan

Although the purpose of both an IEP and a Section 504 plan is to provide FAPE to a student with a disability, they are subject to different rules, standards, and requirements. See the chart below for answers to six common questions that compare the components of IEPs and 504 plans.

Question	IEP	Section 504 plan
<b>1. What is it?</b>	<p>The IEP is a written document outlining the special education and related services that a student with a disability will receive at school. See <a href="#">34 CFR 300.320</a> (a).</p>	<p>A 504 plan is a plan outlining the accommodations and related services a student with a disability will receive at school. Although the district is not explicitly required to create a written 504 plan, it is recommended. See <a href="#">34 CFR 104.35</a> (c); and <i>Mansfield (AR) Pub. Schs.</i>, <a href="#">59 IDELR 265</a> (OCR 2012).</p>
<b>2. Why is it important?</b>	<p>The IEP provides the student FAPE in accordance with the IDEA. In other words, the IEP will enable the student to make educational progress that is appropriate in light of his circumstances.</p> <p>A student is eligible for an IEP if he:</p> <ol style="list-style-type: none"> <li>Has one or more of the 13 disabilities listed in the and</li> <li>Needs special education and related services as a that disability.</li> </ol> <p>See <i>Endrew F. v. Douglas County Sch. Dist. RE-1</i>, <a href="#">69 IDELR 174</a>, 137 S. Ct. 988 (2017).</p>	<p>The 504 plan provides the student FAPE in accordance with Section 504. Specifically, the 504 plan offers the student regular or special education and related aids and services that meet his individual needs as adequately as the needs of nondisabled students are met. See <a href="#">34 CFR 104.33</a> (b).</p>
<b>3. Which students are eligible?</b>	<p>The IEP is developed by the student's IEP team. The IEP team must generally include:</p> <ul style="list-style-type: none"> <li>The parents; <a href="#">34 CFR 300.8</a> (a).</li> <li>A general education teacher;</li> <li>A special education teacher;</li> <li>A district representation who has authority over special education;</li> <li>An individual who can interpret the evaluation results;</li> <li>The student, if appropriate; and</li> <li>Other knowledgeable individuals at the discretion of the parent or district. <a href="#">34 CFR 300.321</a> (a).</li> </ul>	<p>A student is eligible for a 504 plan if he has a physical or mental impairment that substantially limits one or more major life activities. Under this broad eligibility standard, the student may be eligible for a 504 plan even if his impairment does not affect learning, as long as the impairment substantially limits another major life activity. <a href="#">28 CFR 35.108</a> (a)(1); and <a href="#">28 CFR 35.101</a>.</p>
<b>4. Who develops it?</b>	<p>The IEP must include:</p> <ul style="list-style-type: none"> <li>The student's present levels of academic achievement and functional performance.</li> <li>Measurable annual goals.</li> <li>How the student's progress will be measured and when the parents will receive progress reports.</li> <li>The special education and related services required for FAPE.</li> <li>Whether the student will participate in general education and, if so, to what extent.</li> <li>Accommodations on state and district assessments.</li> <li>The start date, frequency, location, and duration of the student's services.</li> <li>Transition services, if appropriate. <a href="#">34 CFR 300.320</a> (a); and <a href="#">34 CFR 300.320</a> (b).</li> </ul>	<p>The 504 plan is developed by a multidisciplinary group of individuals, including the parents, who are knowledgeable about the student, the meaning of the evaluation data, and the placement options. <a href="#">34 CFR 104.35</a> (c).</p>
<b>5. What information is included?</b>	<p>The IEP team must review and update the student's IEP at least once per year. However, the team may need to update the IEP more frequently depending on the student's needs and circumstances. <a href="#">34 CFR 300.324</a> (b)(1).</p>	<p>Section 504 does not explicitly require the 504 plan to include specific information. However, a 504 plan may typically include:</p> <ul style="list-style-type: none"> <li>Information about the student's disability and related needs.</li> <li>The evaluation data.</li> <li>The accommodations and services required for FAPE.</li> <li>Information about his placement and the location of his accommodations.</li> </ul> <p>See <a href="#">34 CFR 104.35</a>; and <i>Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Educ. of Children with Disabilities</i>, <a href="#">67 IDELR 189</a> (OCR 2015).</p>
<b>6. How often should it be updated?</b>		<p>The 504 team must periodically reevaluate the student, and update his 504 plan if necessary, to ensure he is receiving FAPE. Additionally, the 504 team should consider revising the 504 plan whenever it suspects that the student's needs have changed. Districts may comply with Section 504 by following the IDEA's timelines for reevaluations and IEP revisions. See <a href="#">34 CFR 104.35</a> (d); <i>Fulton County (GA) Sch. Dist.</i>, <a href="#">9 GASLD 8</a> (OCR 2015); and <i>Mesa (AZ) Pub. Schs.</i>, <a href="#">67 IDELR 46</a> (OCR 2015).</p>

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## **CHAPTER 2: INDIVIDUALIZED EDUCATION PROGRAM REQUIREMENTS**

### **INDIVIDUALIZED EDUCATION PROGRAM (IEP)**

#### **The IEP Meeting**

The district must conduct meetings for the purposes of developing, reviewing, and revising the individualized education program of each individual with exceptional needs.

An individualized education program team shall meet whenever any of the following occurs:

1. A student has received an initial formal assessment and for any subsequent formal assessment.
2. The student demonstrates a lack of anticipated progress.
3. The parent or teacher requests a meeting to develop, review, or revise the individualized education program.
4. At least annually, to review the student's progress, the individualized education program, including whether the annual goals for the student are being achieved, and the appropriateness of placement, and to make any necessary revisions.
5. To conduct a manifestation determination on disciplinary issues.

#### **Types of IEP Meetings**

- **Initial IEP Meeting**: Upon completion of the special education eligibility assessment, the IEP team meets to determine whether the student is an individual with exceptional needs and to discuss the assessment, the educational recommendations, and the reasons for these recommendations.
- **Annual review IEP meeting**: At least on an annual basis (not longer than 12 months from the last annual), the IEP team reviews the student's progress and the appropriateness of placement, and makes any necessary revisions on the basis of that review.
- **Triennial IEP meeting**: At least every 3 years, the IEP team must re-evaluate a student with an IEP to determine if the student continues to be eligible for special education services. This is called a triennial assessment / IEP. It is often combined with the annual IEP meeting.
- **Amendment IEP meeting**: Additional IEP meetings may be necessary to address components of the student's IEP. These meetings are called Amendment meetings.
- **Interim Placement**: When a student with an IEP enrolls in CUSD, the student must be placed into a special education program that is similar to, or the same as the IEP from the sending district, unless the student's parent/guardian otherwise agrees in writing. The first requirement is to complete the **Interim Placement**.  
Within 30 days of enrollment, an **Interim IEP Review** must be completed.

#### **Applicable IEP meeting timelines**

- 5 Business Days
  - Parent shall have the right and opportunity to examine all school records and receive copies within 5 business days after a request is made by the parent, either orally or in writing. District/School may charge a fee for the copies, but if parent states an inability to pay, copies must be provided at no charge and within the established timeline.
- 10 School Days after disciplinary action
  - School must convene the Manifestation Determination meeting for a student the site is contemplating an administrative change of placement or possible expulsion.
- 10 School Days

- This is the limit of days a student with a disability may be suspended from school before the removals constitute a change of placement. No IDEA services are required for up to 10 days of removal.
- 15 Calendar Days
  - A proposed Assessment Plan shall be developed within 15 calendar days of referral for the assessment, not counting days of school recess in excess of five, from the date of receipt of the referral. If the request has been made within 10 days prior to the end of the school year, it shall be provided to parent within 10 days of the subsequent school year.
- 15 Calendar Days
  - A parent shall have at least 15 calendar days from receipt of proposed Assessment Plan to arrive at a decision regarding consent.
- 30 Calendar Days
  - An interim placement must not exceed 30 calendar days. Post-interim IEP must take place within 30 calendar days of the new student's enrollment in the District.
- 30 Calendar Days
  - An IEP meeting requested by a parent shall be held within 30 calendar days, not counting days of school recess in excess of five, from the date of receipt of the parent's request.
- 60 Calendar Days
  - An IEP meeting shall be held within 60 calendar days from receipt of parental consent for an initial, triennial or supplemental assessment, not counting days of school recess in excess of five.

\*After parental consent has been obtained, IEP implementation should occur "as soon as possible" (Ed. Code 65043i).

### **The IEP Team**

The law requires the participation of the following people as members of the IEP team:

- The parents or guardian(s) of the child
- At least one general education teacher of the child
- At least one special education teacher of the child
- A representative of the public agency who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; is knowledgeable about the general curriculum; and is knowledgeable about the availability of resources of the public agency.
- An individual who can interpret the instructional implications of assessment results. In CUSD, this individual may be the school psychologist or special education service provider.
- Related service providers who directly support the student.
- The district nurse to attend the IEP meeting if the student's eligibility is Other Health Impaired (OHI other than ADHD) or the student receives itinerant or full-time nursing support.
- The student, if appropriate
- At the discretion of the district or the parent, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. Whoever invites a participant has the discretion to determine if that individual has knowledge or special expertise regarding the child.

### **The purpose of the general education teacher at the meeting**

At least one general education teacher of the student must be present at the IEP meeting, if the student is, or may be, participating in the general education environment. Since the majority of our students are, or may be, participating in the general education environment, the best practice is to include a general



education teacher on the team. Regulations state that the general ed. teacher must participate in the development of the student's IEP to the extent appropriate.

The specific purpose of the general education teacher is to assist the team:

- Determine appropriate positive behavioral interventions and supports for the student;
- Determine supplementary aids and services, program modifications and supports for the school personnel that will be provided to the student.

### **Excusal of IEP Team Members**

IDEA 2004 permits the excusal of certain IEP team members on occasion:

- If the member's area of curriculum or related service is not being modified or discussed.
- If the member's area is being modified or discussed and the member submits written input to the parent and district members of the team beforehand.

If an IEP team member is to be excused, parent must consent to the excusal in writing **prior to the meeting**. If parent does not consent, the meeting must be rescheduled to be held with the IEP team member.

### **Scheduling the IEP Meeting**

The special education teacher or case carrier is responsible for notifying the parent at least 10 days in advance of the suggested IEP meeting date. The parent may request a different date if the one suggested is not convenient; however, the IEP date and time must be mutually agreed upon. It is important for legal reasons that all contacts with the parent be documented. "Documented" means a written record (notice of meeting) of the date, time, type of communication and results. Phone calls and emails are not sufficient documentation.

The following procedures should be used when contacting the parent:

- Check the availability of all IEP team members.
- Confirm the meeting date, time, and location with all other IEP team members. This may be done by phone, but should be followed by a written notice of meeting.
- Send home the completed Notice of Meeting. If parents do not promptly return this form, indicating in writing that they will attend the IEP meeting, follow up with a phone call or letter. Once the completed form is received from the parent, file it in the student's special education folder at the school site.
- Students age 16 or older by the next annual review, and younger as appropriate, must be invited to the IEP meetings that address transition service needs. In this case, provide the student with a copy of the Notice of Meeting and have the student sign.
- If the parents cannot attend the meeting, contact them for another mutually convenient date and time.
- Send home another completed Notice of Meeting.
- If no parent or guardian can attend the meeting, the public agency shall use other methods to ensure parent or guardian participation, including individual or conference telephone calls.
- A Notice of Meeting shall be sent to reflect any proposed meeting dates/times including phone conferences.
- A meeting may be conducted without a parent or guardian in attendance if the public agency is unable to convince the parent or guardian that he or she should attend.
  - Please contact the Program Specialist prior to holding an IEP without parent.

- In this event, the public agency shall maintain a record if its attempts to arrange a mutually agreed upon time and place as follows: detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parents or guardians and any responses received, and detailed records of visits made to the home or place of employment of the parent or guardian and the results of those visits.
- In the case of divorced parents, both parents with educational rights shall receive notice of meeting invitations.

**Case carriers must file and upload the following to Synergy: signed Notice of Meeting, signed Consent**



**Audio Recording**

The parent shall have the right to record electronically the IEP meetings on an audiotape recorder. The Parent must inform the members of the IEP team of their intent to record a meeting at least 24 hours prior to the meeting.

**IEP Meeting Agenda**

***General Meeting Norms/Guidelines***  
*Silence all devices.*

<i>Communicate clearly and listen carefully. Be respectful. Be open to the ideas and views of others.</i>	<i>Ask questions for clarification. Share your views willingly. Honor time limits and stay on task.</i>
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**START UP:**

- Welcome
- Introductions, Roles, and Contributions for this IEP process
  - Attendance and Excusal of Team Member (if applicable)
- IEP Team Norms/Guidelines
- Purpose of the IEP
- IEP Meeting Outcomes - By the end of the meeting we will have:
  - a shared understanding of present levels of performance
  - a shared understanding and agreement on goals and objectives
  - an agreement of educational placement and services
- Offer of Parents Rights and Procedural Safeguards

**PRESENT LEVELS OF PERFORMANCE:**

*What is it that the student knows, understands, and is able to do?*

- Review student history
- Strengths
- Parent Concerns
- Challenges and Concerns
- Assessment Summary (if applicable)
- Eligibility

**ESTABLISH GOALS AND OBJECTIVES: or N/A**

*What is it that we want the student to know, understand, and be able to do in a year?*

- Progress towards current goals
- Development of new goals to address identified challenges and concerns.
- Accommodations and/or Modifications

**DETERMINE EDUCATIONAL PLACEMENT AND/OR SERVICES:**

*In what least restrictive environment can the goals be implemented?*

- Placement discussion, consider continuum of placement options and harmful effects
- Recommended Supports and Services needed to implement goals
  - Related Services
  - Accommodations and/or Modifications
  - Participation in Statewide Assessment
  - H.S. Transition (Post-Secondary Outcomes)

**ENDING:**

- Eligibility and Offer of FAPE or N/A
- Read notes aloud
- Confirm agreements and sign paperwork
- Copies of IEP to parent and staff
- Family Resource Center services reviewed
- Adjourn the meeting

## **Present Levels of Educational Performance**

### **Strengths/Interests/Learning Preferences**

Address the student's academic and personality strengths, current interests, and preferred learning style. It may be appropriate to include references to the most recent assessment information pertaining to strengths and learning style, as well as information from the parents, staff, and the student.

### **Pre-academic/Academic/Functional Skills**

Focus on the most applicable areas for the student. Test scores may not be the sole criteria listed in this section. Always indicate information about how the student is functioning in the academic setting. For students at the pre-academic level, include a description of the skills at that developmental level and indicate priority areas for improvement. Academic skills should include results of the most recent assessment and classroom performance reflecting each specific academic area. For example, list the levels of word attack skills and comprehension in reading, math skills in computation and application, and specific writing skills. Functional skills could include: skills pertinent to the child's independence; daily living skills, community, recreation/leisure skills, and mobility training; and components of task completion. For example, describe the student's ability to understand directions, complete work, and request assistance when needed.

## **Annual Goals and Benchmarks/Short-Term Objectives**

IDEA 2004 requires that the student's IEP be directed towards assisting the child to make progress in the general education curriculum. For many students, this means that they will be learning the scope and sequence of the state and district-adopted curriculum, but perhaps at a lower level or using alternative materials. Goals and objectives should also address other educational needs resulting from the disability, such as behavior, motor development, self-help skills, etc. The annual goals and benchmarks/short-term objectives must be written in measurable terms. Goals may be measured by progress toward grade-level competencies, specific skill attainment, or other quantifiable standards. If additional goals are added subsequent to the IEP meeting, the IEP Team Meeting Notes should reflect that an Amendment to the original IEP has been written, including new goals. These new goals then become part of the IEP, and all IEP team members (including general education teachers) need to be aware of the changes and have access to the IEP.

### **Area of Need**

The areas of need should be identified on the bottom of the Present Levels of Educational Performance page. These may be academic (reading, math, etc.), behavioral (attention span, impulse control, etc.), motor (gross motor, handwriting, etc.), or any other area of need.

### **Baseline**

Baseline data should reflect where the student is presently functioning related to the area of need, as well as to the annual goal and should be as measurable as possible. Scores on standardized tests should be used with caution and always supported with evidence of classroom performance. Test scores alone are not sufficient information for areas of need. Goal mastery should be determined and written according to baseline data, so it is important to have detailed, quantifiable information in the baseline, if possible.

### **Measurable Annual Goal**

Annual goals are statements which reflect the IEP team's expectation of what the student should accomplish during one year. There should be a direct relationship between the annual goals and the student's educational needs as specified on the Present Levels of Educational Performance page. Goals need to be measurable, preferably using the same standard as baseline data. Include references to the

general education curriculum where appropriate (Example: The student will improve mathematics computation to the 5th grade level as per the California Math Standards). Goals may also be measured by criteria such as completion of curricular units, assessments, specifying rubric scores on portfolios, etc. At times, the goals can reflect specified progress on the benchmarks (Example: The student will improve his self-esteem as measured by attainment of 3 of 4 of the following short-term objectives). Check the appropriate box indicating whether the goal is related to the general curriculum or other educational needs.

The following items should be incorporated into annual goals and benchmarks/short-term objectives:

- **Completion Date** – states when the student should reach the goal or benchmark/objective.
  - By 9/2020, given a list of high frequency words, John will correctly spell grade level words with 80% accuracy on 4/5 written assignments, as measured by student work samples and teacher records.
- **Conditions** - describes the "givens" that will need to be in place for the goal or benchmark/objective to be completed.
  - By 9/2020, given a list of high frequency words, John will correctly spell grade level words with 80% accuracy on 4/5 written assignments, as measured by student work samples and teacher records.
- **Observable Behavior** - describes what the student will do to complete the goal or benchmark/objective.
  - By 9/2020, given a list of high frequency words, John will correctly spell grade level words with 80% accuracy on 4/5 written assignments, as measured by student work samples and teacher records.
- **Accuracy** - describes the accuracy level of the skill for mastery.
  - By 9/2020, given a list of high frequency words, John will correctly spell grade level words with 80% accuracy on 4/5 written assignments, as measured by student work samples and teacher records.
- **Criteria** - describes the standard on which mastery can be judged.
  - By 9/2020, given a list of high frequency words, John will correctly spell grade-level words with 80% accuracy on 4/5 written assignments, as measured by student work samples and teacher records.
- **Data Collection Methods** - describes what will be measured to determine mastery.
  - By 9/2020, given a list of high frequency words, John will correctly spell grade level words with 80% accuracy on 4/5 written assignments, as measured by student work samples and teacher records.

#### Benchmark/Short-Term Objective

Benchmarks/short-term objectives (benchmarks) are measurable intermediate steps between the present baseline levels of educational performance and the expectations specified in annual goal. Benchmarks represent markers by which a student's progress toward the annual goal can be measured. Therefore, the completion dates for the benchmarks should not be the same completion date as the annual goal. Instead, the reporting period dates should be used as the completion dates for benchmarks since progress to parents is already being reported at these times. Benchmarks are not meant to be so detailed that they look like lesson plans. The data used to measure the objective's degree of attainment should correspond to the data used in the baseline and the annual goal. There must be at least two benchmarks for every annual goal. List the titles of all people responsible for implementation of the benchmark. (Example: SDC teacher, general education teacher, student, parents).

Per IDEA 2004, it is no longer a requirement that IEP's include benchmarks for most students. Benchmarks are still required for all students who participate in alternative assessments (CAA) or who participate in a functional curriculum including Pre-K and Transition age.

### **Progress Reporting Requirements**

The IEP must contain a description of when periodic reports on the progress the child is making toward meeting the annual goals will be provided. Parents of children with disabilities must be informed of progress at least as often as progress is reported for students in general education.

***In other words, every time a report card or progress report is sent home, an Individualized Education Program Progress Report must also be sent to the parents.***

### **CA State/District Wide Assessments**

All students grades 3-11 and 12 (Science) are required to participate in statewide assessments. It is the IEP team's decision to determine appropriate accommodations and/or designated supports, if necessary.

***An IEP team may not exempt a student from statewide assessments.***

### **Individualized Transition Plan (ITP)**

**This form must be completed in time to be in effect when the student reaches 16 years of age or sooner if appropriate or will reach 16 years of age before the next annual review.**

The term 'transition services' means a coordinated set of activities for the student that promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation.

The ITP is based upon an age-appropriate assessment that has identified the student's abilities, preferences, and unique transition needs. The IEP team develops appropriate measurable post-secondary goals in the areas of education/training, employment, and, where appropriate, independent living skills. To support these measurable post-secondary goals, the IEP team develops career preparation activities in the areas of instruction, related services, community experiences, development of employment and other post-school adult living skills and functional vocational assessment.

Transition services begin no later than the first IEP to be in effect when the student turns 16 or younger if determined appropriate by the IEP team. The case manager must invite the student to attend the IEP meeting when the purpose includes the consideration of post-secondary goals and transition services.

### **Transfer of Rights**

The case manager must inform the student of the rights that will transfer to him/her upon reaching the age of majority (18). Students must be informed of their rights at least one year prior to reaching the age of majority.

### **Measurable Post-Secondary Goals (MPSG)**

Write measurable post-secondary goals in the first person perspective of the student. All students will have goals in the area of education/training and employment. If appropriate, some students will have goals in independent living.

MPSG's should be specific enough to be observable, although they will be reviewed and, as appropriate, revised annually. Annual revision should reflect the student's current goal as well as his/her ability to narrow general interests to specific directions concerning post-school plans.

A MPSG in the area of education/training is related to transition services of instruction or training. It reflects the student's desire to attend a 2-year college, 4-year college, technical school, apprenticeship, GED program, etc.

A MPSG in the area of employment directly matches the transition service of employment. The transition service of the functional vocational assessment may be considered based on student needs. The MPSG in the area of employment reflects the future desire to earn paid employment (competitive, supported, sheltered) unpaid employment (volunteer, training), military, etc.

A MPSG in the area of independent living is based on student's needs and relates to the transition services of community experiences and daily living skills. This goal reflects the student's desires related to adult living, daily living, independent living, financial responsibilities, transportation, etc.

#### Interagency Responsibilities or Linkages

The case manager must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. A release of information must be completed by the parents or the student who has reached the age of majority must be obtained prior to the invitation. Ensure that Transition questions are answered accurately and that agency invited should be checked "yes" or "n/a."

#### **Extended School Year (ESY)**

It is up to the IEP team to determine if a student requires extended school year services to ensure the provision of a free appropriate public education. The category of disability or type of special education program may not unilaterally determine the extent of ESY services. The team must consider whether interruption of the student's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the student will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition.

#### **After the Meeting**

Ensure that the general teachers, special education teachers, and other services providers have access to the IEP, are knowledgeable of the content of the IEP and are informed of their specific responsibilities related to implementing the IEP, and the specific accommodations, modifications and supports that shall be provided for the student. After parental consent has been obtained, IEP implementation should occur "as soon as possible" (Ed. Code 65043i).

### **ESSENTIAL COMPONENTS OF A DEFENSIBLE IEP MEETING**

1. An assessment of the student's current academic achievement and functional performance  
Include an explanation of how the student's disability affects the student's involvement and progress
  - Grades, formal assessment scores, data from interventions
2. Measurable annual goals  
Include academic and functional goals designed to meet the student's needs



- Connect to areas of need and progress monitoring
- 3. Detail of all special education and related services, any supplementary aids and services, program modifications, and school supports that will be provided to the student  
Include the start date, frequency, duration, and location of the services
  - Service must match IEP minutes and delivery model
  - *A FAPE offer must be in place on the first day of the school year*
- 4. A description of the degree to which the student will or will not participate with non-disabled students in the general education environment  
Include extracurricular and non-academic activities
  - Students may participate in general education functions (ex. pep rallies, etc.) without services being reduced
- 5. A statement of appropriate and measurable post-secondary goals for students 16 years old or older  
Include a transitional plan for training, education, employment, and independent living skills
  - A report must be generated when a student completes a vocational assessment

**An IEP must be held to address:**

- Lack of progress on goals and general education curriculum
- Reassessment results
- Parent information about student (ex. Doctor report)
- Student's anticipated needs
- Other relevant information

## IEP Timelines

### Triennial

Services/Obligation	Timeline	Comments
Triennial Eligibility Review	<p>Every 3 years based on the date of the last triennial review</p> <p><i>Reassessment must occur every three years, but may occur more frequently if conditions warrant new assessment, or there is a new suspected area of need</i></p>	<p>May occur more frequently if necessary, but no more than once per year unless the parties agree</p> <p>Parent and LEA may agree in writing that triennial assessments are not necessary. They may also agree to limit the scope of the review</p> <p><i>Begin triennial assessment process at least 60 days prior to the triennial review</i></p>
Propose assessment for re-assessment	15 calendar days from date of referral	<i>Always attach a copy of the procedural safeguards to the proposed assessment plan</i>

### Annual and additional meetings

Services/Obligation	Timeline	Comments
Annual Review	Must be held at least every 12 months from date of last annual IEP team meeting	
Parent Request for IEP team meeting	Must be held within 30 calendar days after written request from parent for IEP team meeting	Timeline is for the regular school year, except when school is not in session in excess of 5 school days. The timeline continues when school reconvenes
IEP team meeting to review re-assessment (including triennial assessments)	60 calendar days after receipt of parent consent to the assessment plan	<p>Tolled for school breaks in excess of 5 school days.</p> <p>If referral received 30 days or fewer before end of school year, then due within first 30 days of next school year</p>
IEP meeting to review student's lack of anticipated progress	No timeline, but meeting should be held within a reasonable timeframe to address concerns and discuss services and	Consider a "follow-up" meeting within 30 days to discuss progress towards goals and determine if additional supports,



	supports	services, or possible assessments are warranted
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Transition Planning (ITP)

Services/Obligation	Timeline	Comments
Individual transition plan (ITP) in IEP	Must be in IEP when student turns 16	Must be reviewed annually  Transition plan should be developed from formal and/or informal assessments (career inventories, personal interviews, etc. (documented)
Student informed of transfer of rights at age 18. Age of Majority	Must be in IEP when student turns 17	
Notice to parent(s) of student's graduation from high school with diploma	"Reasonable prior written notice" must be provided	See SE 67 "Summary of Performance" and SE 69 "Graduation/Maximum Age Notice" in Synergy

Interim Placements

Services/Obligation	Timeline	Comments
Student arrives in our district from another school district	Student is immediately provided an interim placement not to exceed 30 days. On or before the expiration of the 30 days, an Interim Review IEP meeting must be held and an annual IEP must be developed	

Manifestation Determination

Services/Obligation	Timeline	Comments
Suspension requiring a manifestation determination.	Within 10 school days of change of placement (for example, Alternative to Suspension, ATS)  *(See form SE 47 "Manifestation Determination and Possible Disciplinary Change of Placement IEP" in Synergy)	In the case of a suspension or a pattern of suspensions that result in the student being removed from his/her current placement for more than 10 school days within one school year, a manifestation determination review and IEP team meeting must be held.



Applicable to ALL IEP meetings

<b>Services/Obligation</b>	<b>Timeline</b>	<b>Comments</b>
IEP Meeting Notification-Send home official IEP meeting notice	“Early enough to ensure an opportunity to attend” the IEP meeting. Generally speaking, this is usually more than one week and at least 10 calendar days	
Notice of Procedural Safeguards (Parent Rights)	Inform parents of procedural safeguards “at each” IEP meeting  Give a copy of the notice to parent(s) at least once each school year  Give a copy of the notice to parents upon their request for assessment	
Progress reports on IEP goals provided to parent(s)	Per the IEP reporting dates	

Request for Independent Educational Evaluation (IEE)

<b>Services/Obligation</b>	<b>Timeline</b>	<b>Comments</b>
Respond to an IEE request or other parent request	Must respond without “unnecessary delay.” <i>It is reasonable to provide a response in approximately 15 days.</i>	Notify compliance of all IEE requests immediately upon parent’s written request.

Records Request

<b>Services/Obligation</b>	<b>Timeline</b>	<b>Comments</b>
Provide copies to parent of student records	Within 5 business days of receiving request	<i>Contact compliance immediately upon receipt of record request</i>

## **Chapter 3 Placement and Programming**

Continuum of Services_____	
<u>1</u> Continuum of Placement and Programming Options_____	
<u>1</u> Location of Services_____	
<u>1</u>	
Interim Placement_____	
<u>1</u> Thirty-Day Interim Placement_____	<u>2</u>
Continuum of Placement Options_____	
<u>2</u> Related Services_____	<u>3</u>
Specialized Academic Instruction_____	<u>3</u>
Specialized Services at School of Attendance_____	<u>3</u>
Nonpublic, Nonsectarian School Services_____	<u>3</u>
State Special Schools_____	<u>3</u>
Privately Placed Students and Service Plans_____	<u>3</u>
CUSD Specialized Programming Options_____	
<u>4</u> Specialized Placement Referral_____	
	<u>6</u>

## **CHAPTER 3: PLACEMENT AND PROGRAMMING**

### **CONTINUUM OF SERVICES**

#### **Continuum of Placement and Programming Options**

The district must ensure that a continuum of program options is available to meet the unique needs of individuals with exceptional needs for special education and related services, as required by the Individuals with Disabilities Education Act (IDEA).

A free appropriate public education (FAPE) comprises those special education and related services that are provided to the student at public expense, under public supervision and direction and without charge to the parents. Services must meet the standards established by state and federal law and be provided in accordance with each individual student's IEP to provide educational benefit.

The continuum of program options shall include, but not necessarily be limited to, all of the following or any combination of the following:

- General Education Programs
- Related Services
- Specialized Academic Instruction Program
- Specialized Services at School of Attendance
- Nonpublic, Nonsectarian Schools
- Residential Program
- Instruction in the Home or Hospital

#### **Location of Services**

The continuum of placement options may take place at any of the following:

- Instruction within the comprehensive school setting
- Instruction in settings other than classrooms where specially designed instruction may occur
- Itinerant instruction in classrooms, resource rooms, and settings other than classrooms where related services may be provided
- Nonpublic, nonsectarian schools
- State special schools

### **INTERIM PLACEMENT**

Whenever a student transfers into the school district from another school district, the student is immediately provided interim placement for a period not to exceed 30 days. The interim placement must be comparable to the student's existing IEP, unless the parent or guardian agrees otherwise. The IEP will be implemented to the extent possible within existing resources.

Before the expiration of the 30-day period, the interim placement shall be reviewed by the IEP team and a final recommendation shall be made by the team. The team may utilize information, records, and reports from the school district or county program from which the student transferred. The post 30-day meeting is considered the student's annual review.

**Thirty-Day Interim Placement**

When a new student comes directly to the school site office, the student’s IEP should be reviewed by the site Education Specialist, department chair or school psychologist. An interim placement may be written for the student before the student starts school.

*NOTE: If the parent does not have a copy of the student’s IEP from the previous school district, contact the previous district and request a faxed copy of the IEP. Contact the previous district for specific information regarding the student's present levels of educational performance and placement. If the parent is unable to provide documentation and the school site is unable to verify the previous special education placement, the student cannot receive an interim special education placement until additional documentation is obtained.*

The Education Specialist and the parent discuss interim program delivery that closely aligns with program and services outlined in the existing IEP. This usually involves adding the student to existing groups within SAI or related services as appropriate, based on previous district's goals and objectives, and making program recommendations for the next 30 days.

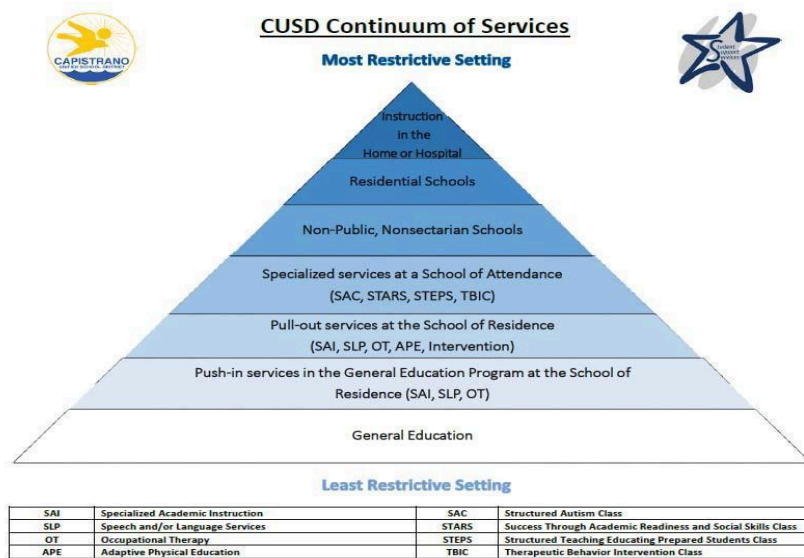
The only required participants at the Interim Placement meeting are the parent and district representative (Education Specialist, site administrator, or program specialist for unique situations).

If needed, an Assessment Plan is completed, noting any assessments that may need to be administered WITHIN 30 DAYS in order to make appropriate program recommendations.

It is the responsibility of the school site to request the student's general and special education records.

An IEP meeting is held within 30 calendar days of the interim placement and an annual IEP is developed. Any assessments initiated at the interim placement meeting shall be reviewed at this meeting.

**CONTINUUM OF PLACEMENT OPTIONS**



The appropriate placement for a student is determined by the IEP team based upon the student’s instructional needs, not on the student’s disability category. Program needs are based on evaluation/assessment results and data gathered for Present Levels of Performance that lead to

identified needs requiring goal development. Related services are provided if those services are required for the student to benefit from his/her educational program.

### **Related Services**

Related services are available to students if the service is required for the student to benefit from special education. Certificated specialists provide these services which are not usually part of the general or special classroom structure. A specialist may work with individuals in groups or on a one-to-one basis, either in the general classroom or other appropriate setting. Instruction focuses on the areas of need and goals in the student's IEP.

### **Specialized Academic Instruction (SAI)**

SAI services are available at every school site for grades K-12. This program is designed to supplement the general program to meet the needs of students who require specialized instruction in specific areas, and whose identified disability interferes with the ability to function in the general class.

### **Specialized Services at School of Attendance**

This program is designed to provide services for students who need Specialized Academic Instruction for the majority of the school day. This placement occurs only after the IEP team determines that the nature and severity of the student's needs are such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In CUSD, specialized services at the school of attendance include:

- Adult Transition Program (ATP)
- Bridges Community Day School
- Continued Learning Adult Special Services (CLASS)
- Structured Autism Class (SAC)
- Structured Teaching Educating Prepared Students Class (STEPS)
- Success Through Academic Readiness and Social Skills Class (STARS)
- Therapeutic Behavior Intervention Class (TBIC)

### **Nonpublic, Nonsectarian School Services**

A nonpublic school, authorized by the State Superintendent of Public Instruction, may provide special education services to students whose disabilities are so complex that the public school programs cannot meet their educational needs. The student is placed through the IEP process and the local education agency contracts with the NPS to provide specific special education services.

Nonpublic school placement may only be considered after all programs within the district have been considered and exhausted.

### **State Special Schools**

Educational programs serving 27 local school districts, with students from three groups: (1) who may have severe disabilities, (2) deaf and hard of hearing, and (3) cognitive and emotional disturbance.

### **Privately Placed Students with Service Plans**

Local education agencies have the obligation to search and serve students attending private schools within their district boundaries. Private school staff and parents may refer a student with suspected disabilities (under IDEA) in order to have the student evaluated for special education and related

services. If a student is identified as having a disability and requiring special education and related services, and the parent does not wish to enroll in public school to receive IEP services, then the student may be eligible for an Individualized Service Plan (ISP). The ISP is a document that describes the special education and related services the local education agency will provide to parentally placed children with a disability enrolled in a private school. An ISP is NOT the same as an IEP.

If a student resides in CUSD and attends a private school, CUSD is considered the student's "District of Residence." As such, CUSD is responsible for Child Find activities for that student regardless of where the student attends school. Therefore, CUSD must conduct Child Find in all private schools, including religious, elementary and secondary schools that are located within CUSD's jurisdictional boundaries (*34 CFR 300.131.*).

CUSD **is** responsible to assess (or otherwise respond) if and when there is an assessment request to determine whether the student is eligible for special education and related services and to develop an individualized education program (IEP) if the student desires a free appropriate public education (FAPE).

Students, kindergarten age to twenty-two, who are voluntarily enrolled by their parents in private school who are determined through the IEP to be eligible for special education and related services pursuant to the IDEA may receive consultation services. Those ISP consultations will be provided to private school administrators and teachers working with these students by a district Education Specialist or speech and language pathologist. The extent of these services is established by a formula that is determined by a proportionate share of federal funding, as well as if private school is for profit. For profit schools are not eligible for ISP.

#### **CUSD SPECIALIZED SERVICES AT THE SCHOOL OF ATTENDANCE OPTIONS (IN ALPHABETICAL ORDER)**

Specialized service options can be considered by IEP teams when data indicates the student is not deriving educational benefit from current program, and all less restrictive measures have been exhausted. Transfers, whether voluntary or involuntary, are a change of placement.

**Change of placement for a student with an IEP cannot occur without an IEP meeting.**

##### Adult Transition Program (ATP)

The Adult Transition Program (ATP) combines classes and community experiences to help students who received a High School Certificate, ages 18 through 22, with various developmental disabilities, learn the skills necessary for a more productive Independent Life. As part of its emphasis on integrated, community-based instruction, the ATP utilizes local schools, public transportation, businesses, students' apartments and classes at Saddleback Community College to provide appropriate training in meaningful environments.

##### Bridges Community Day School

Bridges Community Day High School was developed in response to address student's individual needs. There has been a need in the district to establish a program that could provide interventions for emotionally disturbed students who otherwise would enter a Residential Treatment Center. The Bridges Community Day High School programs are to be considered for students when all other interventions in the district have been considered/implemented.



It is a small program designed for a maximum of 5-8 students per classroom. Acceptance of a student is dependent upon safety and compatibility considerations as well as the appropriateness of the emotional condition of the student.

Bridges High School is a registered high school under the state's Community Day School program. This program requires that students are in attendance in the school 360 minutes per day. Many of the students receive Community Mental Health Counseling.

#### Continued Learning Adult Special Services (CLASS)

The Continued Learning Adult Special Services (CLASS) program is designed to meet the special education needs of post-secondary students between the ages of 18-22 who received a High School Certificate, or who are on Diploma Track trying to complete their Adult Education Diploma or GED. Academic support is given to help students to reach their educational goals. Vocational and Communication coaching is also provided to help students become more independent adult in their career and personal lives.

#### Home School Instruction

If a student in grades K-8 is home schooled and is attached to CUSD through the home school program, the IEP team needs to convene to determine if a placement of Home School is appropriate to meet the student's needs.

If the team agrees that the student's educational needs may be met through being home schooled through CUSD, then the student would be placed on an IEP and receive the IEP services through their school residence unless otherwise determined.

If educational members of the IEP team do not recommend a home school placement for a student, the offer of FAPE through CUSD should be made. If the parents elect to home school outside of CUSD then the student may be placed on an Individualized Service Plan. Contact your program specialist and Private School Program Specialist immediately.

#### Inclusion

Full Inclusion (or Inclusion) is an IEP option where students with disabilities are educated in age-appropriate general education classrooms at their neighborhood schools with the necessary supports and services to facilitate progress toward IEP goals and objectives. Students who are included may access other educational environments at the school site (Specialized Academic Instruction Program and Specialized Services at School of Attendance) if the IEP team agrees that this instruction provides an educational benefit not available in the general education classroom.

The individualized curriculum may be regular class instruction, adapted or modified activities based on the core curriculum, or substituted curriculum based on IEP goals and objectives. Modified curriculum at the high school level will invalidate the course constructs and will not serve as course credit toward graduation requirements. Modified curriculum at the high school level is only appropriate for students who are non-diploma bound. IEP team members share the responsibility for development, implementation, and evaluation of the inclusive curriculum.

#### Structured Autism Class (SAC)

The Structured Autism Class (SAC) is a highly structured environment with predictable routine and schedule allowing for frequent breaks, high rate of reinforcement, and low teacher to student ratio.

It provides direct instruction of specific targeted social skills and language/communication skills with multiple opportunities throughout the day to practice, receive feedback and generalize emerging skills. There are frequent opportunities to acquire skills in 1:1, 2:1, and 3:1 learning environment, mixed with opportunities for generalization, independence, and skill maintenance.

#### Structured Teaching Educating Prepared Students Class (STEPS)

The Structured Teaching Educating Prepared Students Class (STEPS) program is designed to meet the needs of students who have unique conditions requiring a more functional academic program. The program focuses on the developmental skills that will assist students in greater integration into their environment.

#### Success Through Academic Readiness and Social Skills Class (STARS)

The Success Through Academic Readiness and Social Skills Class (STARS) is academically based, addressing student's needs in the areas of academics, language, social skills, and independence. Mainstreaming in non-academic areas and eventually academic subjects is the long-term goal for students in this program.

#### Therapeutic Behavior Intervention Class (TBIC)

The Therapeutic Behavior Intervention Class (TBIC) is designed to meet the needs of special education students whose social/emotional needs require a smaller, more structured, and individualized environment. In addition to academics, the program focuses on the emotional and behavioral needs of the students.

### **SPECIALIZED PLACEMENT REFERRAL**

#### **Program Transition Protocol**

IDEA emphasizes that all children are to be in general education classes as much as possible. Using a two-part test, the court first determines whether education in a regular classroom, with the use of supplemental aids and services, can be achieved satisfactorily. If so, the regular classroom is the child's least restrictive environment (LRE). If not, the court next determines if the school district has mainstreamed the child to the maximum extent appropriate.

In applying the two-part test, the court considers the following non-exhaustive factors:

1. Steps the school district has taken to accommodate the child in the regular classroom, including the consideration of a continuum of placement and support services;
2. Comparison of the academic benefits the child will receive in the regular classroom with those he will receive in the special education classroom;
3. The child's overall education experience in regular education, including non-academic benefits;
4. The effect on the regular classroom of the disabled child's presence in that classroom.

A less restrictive placement (LRE) is considered when documentation demonstrates that a student is making sufficient progress on his/her goals and objectives and with modifications, accommodations, and needed services can participate in a meaningful way in a less restrictive environment.

There should be an ongoing dialogue with parents(s) regarding successes and challenges in the current program and the student's ability to work independently. This is not a discussion of placement options.

### **PLACEMENT IS DISCUSSED IN AN IEP ONLY.**

## **Chapter 4 Related Services**

Related Services_____	<u>1</u>
Adapted Physical Education_____	<u>1</u>
Assistive Technology_____	<u>2</u>
Audiological Services_____	<u>2</u>
Deaf / Hard of Hearing (DHH) Itinerant Services	<u>3</u>
Educationally-Related Mental Health Services	<u>4</u>
Health and Nursing Services_____	<u>5</u>
Instruction in the Home or Hospital_____	<u>6</u>
Occupational Therapy_____	<u>6</u>
Physical Therapy_____	<u>7</u>
Orientation and Mobility (O&M) Services_____	<u>7</u>
Speech and Language Services_____	<u>8</u>
Transportation Services_____	<u>8</u>
Vision Services_____	<u>9</u>
Vocational Education and Career Development	<u>9</u>
Exiting a Student from Related Services_____	<u>10</u>

## **CHAPTER 4: RELATED SERVICES**

### **RELATED SERVICES**

The term “related services” (formerly known as “designated instructional services”) refers to services in a specialized area of need, designed to enable special education students to receive a free appropriate public education as described in the student’s IEP. Related services are available throughout the full continuum of educational settings. These services are provided when they are required to enable the student to benefit from his/her special education program.

The terms "related services" do not include a medical device that is surgically implanted, the optimization of that device’s functioning, maintenance of that device, or the replacement of that device, such as a cochlear implant.

After completion of a comprehensive evaluation, a qualified specialist may recommend a related service to work with individuals in groups or on a one-to-one basis, either in a general education classroom, a special education classroom, or other appropriate setting. Related services would be included or added only after an IEP meeting has taken place with the parent, teacher, related service provider, and administrator/designee, and the team reaches consensus.

Instruction focuses on the goals in the student's IEP. The case manager is responsible for notifying all related service providers of upcoming IEP's of students they serve.

#### **Adapted Physical Education (APE)**

Adapted physical education (APE) is for special education students who require developmental or corrective instruction and who are precluded from participation in the activities of the general physical education program, modified general physical education program, or in a specially designed physical education program in a special class.

Consultative services may be provided to students, parents, teachers, or other school personnel for the purpose of identifying supplementary aids and services or modifications necessary for successful participation in the regular physical education program or specially designed physical education programs.

The person providing instruction and services shall have a credential authorizing the teaching of adapted physical education as established by the Commission on Teacher Credentialing.

Many students with physical disabilities can participate in general physical education with modifications to the program. Every attempt should be made to modify the general physical education program so the student can be educated in the least restrictive environment.

A special education student may also qualify for APE if the IEP team determines that that the student needs the service in order to benefit from his or her overall educational program. The student must have a significantly reduced performance level due to a permanent physical disability that will not allow the student to participate successfully in the general physical education program because of a significantly reduced performance in motor development or physical fitness levels. It may also be determined that participation in the general program is a safety risk to the student and/or other students or staff members.

If site personnel believe a student may require APE services, the student's case carrier must contact their site's assigned APE teacher prior to offering an APE evaluation.

### **Assistive Technology (AT)**

The term "assistive technology device" means any item, piece of equipment, product system, whether acquired commercially off the shelf, modified, or customized, that is used to maintain, or improve functional capabilities of a child with a disability. This does not include a medical device that is surgically implanted or the replacement of that device such as a cochlear implant.

It is important that members of the IEP team recognize that technology is just one strategy in a multi-faceted approach in addressing the needs and strengths of students with disabilities. IEP teams will therefore need to balance the use of technology assistance with the student's learning potential, motivation, chronological age, developmental goals/objectives, which include:

- Low-Tech Equipment and other supports readily available in schools, including off-the-shelf items which accommodate the needs of students, which can be provided by general/special education through the Student Success Team (SST)/IEP processes (e.g., calculators, audio recorder, pencil grip, and larger pencils)
- High-Tech equipment supports students who may need more specialized equipment and support services beyond assistive technology, often students with low incidence and/or significant/severe disabilities, who require more in-depth assessment (e.g., closed circuit television (CCTV), FM systems, augmentative communication systems, sound field systems, alternative computer access, and specialized software)

Assistive technology supports/services are recommended only after an Assistive Technology evaluation is completed and an IEP team determines a student requires the services to access his educational program. Please consult with your site's assigned Assistive Technology provider or your site's assigned Program Specialist prior to adding an Assistive Technology evaluation to an assessment plan. Often, there are universal supports available to students that do not require an assessment that someone on our AT team can assist with.

### **Audiological Services**

Audiological instruction and services may include:

- Aural rehabilitation (auditory training, speech reading, language habilitation, and speech conservation) and habilitation with individual students or groups and support for the hearing-impaired students in the general education classroom.
- Monitoring hearing levels, auditory behavior, and amplification in the instructional setting.
- Planning, organizing, and implementing an audiology program for individuals with auditory dysfunctions, as specified in the Individualized Education Program.
- Consultative services regarding test findings, amplification needs, otological referrals, home training programs, acoustic treatment of rooms, and coordination of educational services for hearing-impaired individuals.

Auditory trainers and freefield systems are not provided without a current audiogram and must be recommended by the IEP team.

The person providing audiological services shall hold a valid credential with a specialization in clinical or rehabilitative services in audiology.

The district presently contracts for audiological services, including:

- Monitoring hearing levels, auditory behavior, and amplification for all students requiring personal or group amplification in the instructional setting.
- Consultative services regarding test findings, amplification needs, and equipment.
- Audiograms are done at least every three years after an initial evaluation, or sooner if needed. The assessment will be included on an assessment plan if the team is recommending it. The district contracts with outside providers for this. Information on where the test will be given will be provided by your school. This service must be written in the IEP.
- Monitoring/repair of assistive listening devices and updating ear molds of these devices, as needed.

### **Deaf / Hard of Hearing (DHH) Itinerant Services**

A student is considered deaf or hard of hearing if a hearing impairment exists, whether permanent or fluctuating, and impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.

Available services include, but are not limited to, the following:

- Identifying students whose hearing impairment significantly impacts their educational performance.
- Providing direct service to deaf and hard of hearing students.
- Help determining appropriate placement of hearing impaired students.
- Suggesting appropriate educational strategies and accommodations for hearing impaired students in the classroom (e.g., directions written on board or overhead; note takers; closed-captioned TV: instruction/direction repeated and/or restated to be sure student understands; auditory equipment used when appropriate; preferential seating; etc.).
- Assisting in obtaining and monitoring assistive listening devices such as FM systems or auditory trainers.
- Checking hearing aids for proper functioning and assisting school personnel in establishing a monitoring program. Students who receive direct services from the DHH Itinerant Teacher will have their hearing aids monitored on a weekly basis. Those seen on a consult basis will have aids monitored monthly or as indicated on the IEP.
- Providing interpretation of audiological information and the effects of hearing loss on educational performance. When needed, the DHH itinerant teacher will consult with contracted audiologist.
- Suggesting strategies to improve communication with deaf and hard of hearing students.
- Providing specialized training to teachers, administrators, support staff, and parents regarding the unique needs of deaf and hard of hearing students.
- Assessing areas of speech, language, vocabulary, reading, and auditory skills in collaboration with speech/language pathologists and other specialists, and helping develop appropriate goals as a member of the IEP team.

### **Referral Process**

If an IEP team feels that a student might qualify for DHH itinerant services, they should contact their site Program Specialist and assigned Itinerant DHH teacher.

- The Education Specialist contacts the DHH Itinerant Teacher for input in completing the assessment Plan.

- After the parent provides written consent for the assessment, a current (within a year) audiogram is required.
- An IEP meeting will be held to discuss assessment results and to determine whether DHH services are deemed appropriate.
- Recommended DHH services will be provided as a Related Service, dependent upon the effect of hearing loss on the student's education.

### **Educationally Related Mental Health Services (ERMHS)**

Mental Health services, like all related services, are determined based on a student's unique individual needs. An IEP team uses assessment results when deciding what, if any, mental health services are needed for a student. The assessment could be in conjunction with other evaluations being done, like an Initial or Triennial evaluation, or an assessment could be done to solely look at a student's mental health needs in the school setting.

A mental health assessment can be done by the school psychologist or a contracted counselor. If a team member feels a contracted counselor should be used, please contact your assigned Program Specialist or the Director of Related Services.

Types of mental health services:

- Individual Counseling- This service is most often provided by an Intervention Specialist on the school campus, during the school day. Services may also be provided outside of the school day, by a contracted provider. The Intervention Specialist uses the student's IEP goals to drive their work with the student.
- Parent Counseling- This service is provided directly to the parent with the goal of bridging home, school collaboration and partnership. Often this work focuses on working with the parent to create structures in the home to support their child. A contracted counselor provides this service in the community, most often in a provider's office.
- Social Work Services- This service is provided by contracted community agencies. Supports are provided in the home and include individual counseling and parent counseling. This intensive level of support is meant to be short term, and offers intensive services with the goal being to transition supports and services to school based providers.

If an IEP team determines that Individual Counseling may be a potential consideration and your site does not currently have an assigned Intervention Specialist, please contact your site's Program Specialist or the Director of Related Services to discuss provider options.

If an IEP team determines that Parent Counseling and/or Social Work Services may be a potential consideration, please contact your site's Program Specialist or the Director of Related Services to discuss further.

Prior to formal services being considered, all site support options should be exhausted. Examples of this might be: short term social groups led by your school counselor, informal counseling sessions led by your school counselor, participation in Second Steps, existing social emotional goals in the student's IEP with informal instruction and practice opportunities, "check and connect" with a trusted/preferred adult during the school day, home visit, parent conference, referrals to outside agencies, communication with outside mental health providers, positive behavior plan, etc.

## Health and Nursing Services

Health and nursing services may include:

- Providing health and nursing services by qualified personnel
- Managing individual health problems on the school site
- Consulting with students, parents, teachers, and other personnel
- Training designated staff to carry out specialized health care procedures
- Maintaining communication with health agencies providing care to individuals

Students must be assessed in all areas of suspected disability. If there are any relevant health issues, such as those listed under the criteria of Other Health Impaired (OHI), Orthopedic Impairment (OI), or Traumatic Brain Injury (TBI), a health history is required. Health should be an area included on the assessment plan. The parent completes either the Confidential Parent Health Questionnaire for initial assessments or the Student Health Update for triennial assessments. Forward the signed assessment plan and the questionnaires to Health Services and ensure that the assigned District Nurse is in attendance (include District Nurse in the scheduling of IEP meeting) at the IEP meeting scheduled to review the health assessment.

Health History Procedures for Students with Significant Medical Issues (OHI, OI, TBI)

- The Psychologist has the parent complete the Health & Developmental History
- The Psychologist forwards, to the assigned District Nurse, a copy of the signed assessment plan and the completed Health & Developmental History. Please ensure copy is legible. Include any medical records or reports that are on file.
- The District Nurse contacts the parent and gathers information to complete the Health Summary.
- The District Nurse will inform the case carrier of the progress of the health history. The District Nurse also requires the 60-day timeline to complete the health summary.
- If a student has a health care specialist assigned to him or her for any part of the school day, the level of service must be described in the student's IEP.
- The case carrier is responsible for coordinating the IEP with the District Nurse.

## Vision and Hearing Screening

Vision and hearing screenings are required for initial assessments and triennial assessments.

- Within the first month of school, the school psychologist or case carrier shall identify all the students who will require vision and hearing screening for their triennial assessment. Create a list and provide a copy to the District Nurse.
- If a student requires immediate assessment that cannot wait for the regularly scheduled screening, inform the District Nurse.

## Specialized Physical Health Care Procedures

- Notify the District Nurse when it is anticipated that a student is going to require medical interventions. Students may not take nor shall they be given ANY medication at school without the appropriate paperwork on file. Designated staff responsible for giving medications and/or carrying out specialized health care procedures must be trained by a District Nurse before carrying out these duties.
- Send copies of any medical records that have been obtained from the parent, physician, former school/program, etc., to the assigned District Nurse as soon as possible.



- If a student has a health care specialist assigned to him or her for any part of the school day, the level of service must be described in the student's IEP.
- Specialized health care procedures will be developed by the District Nurse with the physician and parents. The District Nurse will provide required training/ orientation for the designated staff. Site visits will be made to verify competency of the designated staff members responsible for carrying out the specialized health care procedures.

### **Instruction in the Home or Hospital**

California Education Code outlines that a district shall provide individual instruction (HH instruction) to a student with a temporary disability which makes attendance at school impossible or inadvisable. (§48206.3(a).) Individual instruction means instruction provided to an individual pupil in the pupil's home, or in a hospital or other health facility, or under other circumstances prescribed by regulations of the State Board of Education. (Cal. Ed. Code §48206.3(b)(1).)

A temporary disability means a physical, mental, or emotional disability incurred while a pupil is enrolled in school, and after which the pupil can reasonably be expected to return to regular day classes. (Cal. Educ. Code §48206.3(b)(2).) The Education Code notes a temporary disability shall not include a disability for which a pupil is identified as an individual with exceptional needs pursuant to Education Code section 56026. (§48206.3(b)(2).) However, if a student who is eligible for special education sustains a temporary disability, such pupil may receive home/hospital instruction pursuant to Education Code section 48206.3. (Cal. Educ. Code §56363; 5 C.C.R. §3051.4.)

Home instruction must be considered by the site personnel in conjunction with the district nurse for students between the ages of 6 and 18 (mandated attendance ages per Cal. Educ. Code §§48200, et seq.: 48400; 48293), to be provided based upon a report from the attending physician certifying that the severity of the condition prevents the pupil from attending a less restrictive placement. (5 C.C.R. §3051.4(d).) This instruction may be provided by a regular class teacher, a special class teacher, or a Specialized Academic Instruction teacher, if the teacher or specialist is competent to provide such instruction and services and it is feasible for the teacher or specialist to do so. (5 C.C.R. §3051.4(e).)

Home instruction is designed to provide a temporarily disabled student with academic instruction in lieu of attendance at school.

### **Occupational Therapy**

Under IDEA regulations, Title 34, Code of Federal Regulations, Section 300.34©(6) defines "occupational therapy" as "services provided by a qualified occupational therapist: and includes (a) improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; (b) improving ability to perform tasks for independent functioning if functions are impaired or lost; and (c) preventing, through early intervention, initial or further impairment or loss of function." The California Occupational Therapy Practice Act, Business and Professions Code Section 2570.2 (k) states: "Practice of occupational therapy means the therapeutic use of purposeful and meaningful goal-directed activities (occupations) which engage the individual's body and mind in meaningful, organized, and self-directed actions that maximize independence, prevent or minimize disability, and maintain health."

Based on IEP goals, educationally-based Occupational Therapists support students' abilities to gain access to and make progress in the school environment. Educationally-based Occupational Therapy (OT) is a related service and is only provided when the IEP team has determined strategies, activities, and resources already available within the educational program are not sufficient for the child to make progress.

Determination of OT services is done through the assessment process. Consultation with an OT should be done prior to adding an Occupational Therapy (OT) assessment to an assessment plan. When this is not possible, please notify your site's assigned OT immediately when consent for assessment is received.

OT services can be direct, consultative, or as an accommodation on a student's IEP.

### **Physical Therapy**

Under IDEA regulations, Title 34, Code of Federal Regulations, Section 300.340(6) states, "physical therapy means services provided by a qualified physical therapist." The California Physical Therapy Practice Act, in Business and Professions Code Section 2620 further defines physical therapy (PT) to include rehabilitative treatment and the promotion and maintenance of physical fitness to enhance the bodily movement related to health and wellness of individuals through the use of physical therapy interventions.

Based on IEP goals, educationally-based Physical Therapists support students' abilities to gain access to and make progress in the school environment. Educationally-based PT is a related service and is only provided when the IEP team has determined strategies, activities, and resources already available within the educational program are not sufficient for the child to make progress.

Determination of PT services is done through the assessment process. Consultation with a PT should be done prior to adding a PT assessment to an assessment plan. When this is not possible, please notify your site's assigned PT immediately when consent for assessment is received.

PT services can be direct, consultative, or as an accommodation on a student's IEP.

### **Equipment**

All equipment purchased by CUSD is owned by the district and will transition with the student as they transition to new grades and/or schools. All equipment should be labeled. Unused equipment should be returned as property of CUSD after communicating with your site's assigned PT. When approved, the equipment move is processed by your site's Office Manager.

### **Orientation and Mobility (O&M) Services**

Orientation and mobility services may include:

- Specialized instruction for individuals in orientation and mobility techniques.
- Consultative services to other educators and parents regarding instructional planning and implementation of the individualized education program relative to the development of orientation and mobility skills and independent living skills.

Services will be determined by an assessment performed by an O&M specialist. If a student ultimately requires direct or consultative services, the services will be determined based on the student's IEP goals

determined by the IEP team. Any support devices recommended for purchase, example- a white cane, will also be determined by the IEP team after assessment results are reviewed and discussed.

The person providing the mobility services shall hold a credential as an orientation and mobility specialist. For more information on Orientation and Mobility services, please contact your site's Program Specialist or your student's assigned VI teacher.

### **Speech and Language Services**

The Roles of a Speech Language Pathologist

- Referral and assessment of individuals suspected of having a disorder in understanding or using spoken language shall be assessed by a Language Speech and Hearing Specialist per section 56333 of the California Education Code. Students are not considered part of the SLP caseload unless there is an IEP and speech/language services are provided.
- Provide specialized instruction and services for individuals with disorders of speech, language, and hearing; determined to be eligible as a student with a language or speech impairment (SLI including monitoring progress, providing information for review, and participating in the IEP process.
- Consultative services to students, parents, teachers, or other school personnel.
- Coordination of speech and language services with an individual's regular and special education program.
- Case manager for students with speech as the **only** direct service.

### **Referral Process for Speech (articulation, voice, and fluency) and Language Concerns**

After the teacher or parent notifies the SLP about concerns, the SLP may observe and/or provide teacher with an observation/modification checklist, after receiving parent consent. The SLP directs the teacher to the Student Success Team (SST) (See Chapter 1) and includes results of observations and checklist. The SST process is followed. The SST process continues as long as recommended interventions are successful. If the interventions are unsuccessful or ineffective, then the SST team may refer the case for Special Education Evaluation.

### **Eligibility**

Assessments must be conducted by a qualified Speech Language Pathologist (Ed code also uses the term Language Speech & Hearing Specialist). A student shall be assessed as having a language or speech disorder which makes him or her eligible for special education and related services when he or she demonstrates difficulty understanding or using spoken language to such an extent that it adversely affects his or her educational performance and cannot be corrected without special education and related services (see additional criteria in Section II). (CEC 56333).

### **Transportation**

Transportation services are provided for students with exceptional needs for the following reasons:

- The IEP team determines placement to be at a school other than the student's school of residence.
- The student's disability prohibits the student from accessing the school program.

It is important to remember that if a parent requests an Intra-District Transfer to attend a school other than the school of residence, the student is no longer eligible for transportation regardless of the disability.

### Procedures

Write appropriate language in student's IEP, and then click Transportation tab (demographics will be pre-filled). All fields require a response.

- Go to Transportation type and identify type of transportation.
- Exit bus directions
- Health and medical issues
- Emergency contact, including phone number
- Identify if student requires: aide, car seat, safety vest, etc.
- Notes to driver and additional information should include drop off (if different from residence)
- SAVE

Transportation requests are managed through the District Office.

### Vision Services

Students are identified as visually impaired when they have a documented impairment which limits the student's processing of visual information even with correction. Identified students have a visual impairment whether permanent, progressive, or fluctuating, which, even with correction, impairs the processing of visual information, and which adversely affects educational performance.

After receiving a recent (within one year) eye report from an ophthalmologist, an IEP team may determine that a vision assessment is necessary. The assessment will include a Functional Vision Assessment and a Learning Media Assessment. These will be conducted by a credentialed Teacher of the Visually Impaired (TVI) who has the education and expertise in low vision disabilities. Depending on the outcome of the assessment, an IEP team may recommend that a TVI provide direct services and/or consultation to the student, parents, teacher and other school personnel.

Vision services may include:

- Adaptations in curriculum, media, and the environment, as well as instruction in special skills.
- Consultative services to pupils, parents, teachers, and other school personnel.
- Direct instruction in the use of braille and/or Nemeth

Vision services shall be provided by a credentialed teacher of the visually impaired. If it is suspected that a student may require vision services, school personnel should contact a VI teacher or your site's Program Specialist for more information.

### Vocational Education and Career Development

Specially designed vocational education and career development for individuals with exceptional needs regardless of severity of disability may include:

- Providing prevocational programs and assessing work-related skills, interests, aptitudes, and attitudes.
- Coordinating and modifying the regular vocational education program.

- Assisting individuals in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or sheltered environment, and to enable such individuals to become participating members of the community.
- Establishing work training programs within the school and community.
- Assisting in job placement.
- Instructing job trainers and employers as to the unique need of the individuals.
- Maintaining regularly scheduled contact with all work stations and job-site trainers.
- Coordinating services with the Department of Rehabilitation and other agencies as designated in the individualized education program.

### **EXITING A STUDENT FROM RELATED SERVICES**

When the IEP team determines that a related service is no longer required to obtain educational benefit, the following factors should be considered:

- According to the Code of Federal Regulations (section 300.305(e)(1)) students must be assessed prior to being exited from one or more special education service.
- Skills are commensurate with chronological age or developmental level and the child no longer displays an educational need for the related service.
- IEP goals have been met and the student no longer requires the related service to benefit from his or her educational program.

## **Chapter 5 Behavior/Discipline**

Behavior 1 Behavior Considerations \_\_\_\_\_

1 Functional Behavior Assessment \_\_\_\_\_

1 Emergency Interventions \_\_\_\_\_

2 Notification about the Emergency  
Intervention \_\_\_\_\_

2 Manifestation Determination (MD) \_\_\_\_\_

3

Conducting a Manifestation  
Determination \_\_\_\_\_

4

## **CHAPTER 5: BEHAVIOR/DISCIPLINE**

### **BEHAVIOR**

Any student behavior that is adversely affecting progress should be addressed with proactive systematic behavior intervention. The focus of a Behavior Intervention Plan (BIP) is to teach the student alternative behavior that meets the student's need(s) in a more acceptable way.

The IEP team is obligated to address behavior that may not obviously appear disruptive or interfering. For example, if a student is failing a class, the behavior contributing to the failure must be addressed systematically.

All concerns regarding behavior should be addressed by a complete IEP team. All staff, including general education teachers, who will be implementing the BIP must participate in the development of the plan to facilitate consistency when addressing the target behavior and the teaching/reinforcement of alternative behavior(s). Parents also provide valuable input. The case manager is ultimately responsible to ensure the plan is implemented and progress is monitored. Behavior concerns and response to interventions should be documented in meeting notes.

### **BEHAVIOR CONSIDERATIONS**

#### **A student's behavior should be addressed:**

- If student behavior is not appropriately managed given the school wide rules paired with the classroom rules, the behavior requires more intervention. An IEP goal should be developed to address the behavior.
- When an IEP goal is insufficient to facilitate student progress, a Functional Behavior Assessment should be conducted.
- If behavior goals have been implemented and are not sufficient to help the student make progress, or if the student engages in serious behaviors that could cause injury to the student or to others, or if the student has demonstrated behaviors which have necessitated the use of Behavior Emergency Response procedures, then an assessment plan should be created in order to conduct a Functional Behavior Assessment (FBA) which will be used to develop or modify an existing BIP

### **FUNCTIONAL BEHAVIOR ASSESSMENT**

The IEP team will conduct a Functional Behavior Assessment (FBA) when IEP goals have not been sufficient to help the student to make progress, or if the student engages in serious behaviors that could cause injury to the student or to others, or if the student has demonstrated behaviors which have necessitated the use of Behavior Emergency Response procedures. An FBA is an analytical process based on observations, review of records, interviews, and data analysis to determine the function the behavior serves for the student, how that function can be met more appropriately and how the environment can be altered to better support general positive behaviors. The FBA may result in the student having a Behavior Intervention Plan (BIP) which is considered part of the IEP.

The FBA must be conducted by a person who has documented training in behavioral analysis with an emphasis on positive behavior intervention (typically this is the school psychologist). Behavioral

emergency interventions shall not be used as a substitute for BIPs. To the extent possible, BIPs shall be developed and implemented in a consistent manner appropriate to each student's life settings.

### **EMERGENCY INTERVENTIONS**

Emergency interventions not specified in a student's behavioral intervention plan shall be used only when necessary to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.

Emergency interventions (i.e. physical restraint) shall not be used as a substitute for the individual student's systematic Behavior Intervention Plan (BIP) that is designed to change, replace, modify, or eliminate the behavior. If student is engaged in dangerous behavior, the first step is always to remove other students from the environment. If it is necessary to restrain the student to prevent injury to themselves or others in the environment, staff should implement the emergency interventions approved by the SELPA. Crisis Prevention Intervention (CPI) is currently the approved methodology used to train staff. Emergency interventions should be used only by properly trained personnel and only with the degree of force and for the amount of time that is reasonable and necessary to control the emergency. Upon prolonged use of an emergency intervention, staff shall seek assistance of the site principal, special education administrative staff, and/or law enforcement agencies, as applicable to the situation. When the emergency has ended, school staff must return to the systematic Behavior Intervention Plan and positive interventions stated in the individual's IEP.

Emergency Interventions May NOT include the following:

- Any intervention designed to or likely to, cause physical pain.
- Noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the individual's face
- Denial of adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities
- Verbal abuse, ridicule, humiliation, or others procedures expected to cause excessive emotional trauma
- Physical restraint by device, material, or object that simultaneously immobilizes all four extremities, including prone containment or similar techniques, unless the restraint is used by personnel who are trained in the technique, and it is used only as an emergency intervention
- Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room
- Any intervention that leaves a student without adequate supervision
- Any intervention that deprives the student of one or more of the senses
- Force exceeding what is reasonable and necessary under the circumstances

#### **Notification about the Emergency Intervention**

When an emergency intervention has been used, the parent/guardian of the student shall be informed within twenty-four hours of the incident. The case manager, with consultation from the site administrator, shall make every attempt to contact the parent by phone to report the emergency intervention. A Behavioral Emergency Report (BER) shall be completed, maintained in the student's file, and copies provided to the parent, site administrator, Director of Special Education/Related Services, and program specialist.



Anytime a Behavioral Emergency Report is written for a student who DOES NOT have a current Behavior Intervention Plan (BIP), within two days of the behavioral emergency intervention (i.e. physical restraint) the IEP team must schedule an IEP meeting and convene the meeting within five days of the incident to:

- Review the incident
- Determine the need for an Assessment Plan for a Functional Behavior Assessment (FBA)
- Determine the need to develop an Interim Emergency Behavioral Intervention Plan

\*If the IEP team decides an FBA and an Interim BIP are not required, the rationale must be documented in the IEP team meeting notes.

When an incident involving a previously unseen serious behavior problem occurs or where a previously designated intervention is not effective and a Behavioral Emergency Report is written for a student who HAS a current Behavior Intervention Plan (BIP), the IEP team should convene and:

- Review the incident
- Evaluate the effectiveness of the existing BIP
- Make any necessary changes to the existing BIP

### Behavioral Emergency Reports

Anytime an emergency intervention is used, a report must be written. The CUSD form must be used to complete the Behavioral Emergency Report because it includes specific information that is required by California Education Code. A staff member shall not draft their own Behavioral Emergency Report. The Behavioral Emergency Report must be completed in its entirety, with no section or answer left blank or incomplete.

The Behavioral Emergency Report must be written by someone who was physically present during the emergency intervention but the case manager must be involved in the completion of the report. The Behavioral Emergency Report should be an accurate description of the emergency intervention. It should be behaviorally specific. It should be free of jargon, opinions, and obscure terms and abbreviations.

## **MANIFESTATION DETERMINATION**

A student receiving special education services may be suspended or expelled from school as provided by federal law. However, in certain situations the district is required to conduct a review to determine if the student's conduct is a manifestation of the pupil's disability.

A site must hold a Manifestation Determination when the site is considering a change to the educational placement for a student with an IEP for disciplinary reasons, such as:

- Administrative change in placement for disciplinary offenses
- Long-term suspensions of more than 10 consecutive days
- Short-term, nonconsecutive days of suspension that become equivalent to more than 10 days total per school year AND the reason for suspension is determined to constitute "pattern" of behavior
- Expulsion proceedings (removal for weapons, illegal substances or controlled substances, serious bodily injury and placement in IAES by school personnel for 45 school days.)

The manifestation determination team consists of the district, the parents, and relevant members of the IEP team as determined by the district and the parents.

On the date that the decision is made to take disciplinary action the school site must complete the following steps:

- Notify the parents that the Manifestation Determination process will begin
- Provide the parents with a copy of Notice of Procedural Safeguards
- Notify the school psychologist, program specialist, and any other service providers
- Provide written notice of any assessment that needs to be completed and seek parental consent. (Assessment may proceed, even without parental consent)
- Schedule the Manifestation Determination IEP meeting
- Provide written notice of the Manifestation Determination IEP meeting to the parents
- Conduct the assessment or the assessment review
- Hold the IEP meeting within 10 days; parent may request continuance for up to 3 days

### **Conducting a Manifestation Determination**

- The complete IEP team should be present, and any “other qualified personnel.”
- Make the introductions.
- Review procedural safeguards.
- Establish the purpose of the meeting – “Because the district proposes to take disciplinary action that could result in removal of more than 10 days, the team must determine whether the student’s behavior was caused by or had direct relationship to disability or direct result of school’s failure to implement IEP.”
- Conduct an overview of the incident subject to discipline.
- Review the student’s level of functioning: intellect, achievement, processing deficits, behavior, and health concerns.
- Review the assessment information: IEP, tests, observations, relevant parent information, file review.
- When reviewing information for the manifestation determination, the IEP team must consider all disabilities/diagnoses of the student.
- Address the two manifestation determination questions. (See below)
- On the basis of the team’s answers to the two questions:
  - Determine whether the behavior was or was not a manifestation of the student’s disability/disabilities
  - Determine whether the student can be disciplined in a manner consistent with discipline for a general education student.
  - Determine what educational services the student must receive in the event student remains out of school as a result of further disciplinary action.
  - Determine whether, and how, the behavior must be addressed in the IEP.
- Determine interim services, so that the child may continue to participate in the general education curriculum and progress towards meeting his or her IEP goals. Be specific – who will do what and when and for how long?
- DO NOT discuss the next disciplinary steps; that issue is referred to the administration and should not be part of the decision-making process.

### **Manifestation Determination Questions**

1. Was the conduct in question caused by, or had a direct and substantial relationship to, the child’s disability/disabilities?
2. Was the conduct in question the direct result of the district’s failure to implement the child’s IEP?

### Manifestation Determination Answers

If the team's answers are NO to both questions:

- The behavior was not a manifestation of the student's disability.
- The student can receive the proposed disciplinary sanction that would otherwise apply to a student without disabilities.
- Student must continue to receive the educational services necessary for him or her to participate in the general education curriculum and make progress towards meeting his or her IEP goals.
- IEP team determines interim services in the event student will be removed additional days.

If one or both of the team's answers are YES to the questions:

- The behavior was a manifestation of the student's disability.
- The student's placement may not be changed (unless the conduct is subject to automatic removal).
- The behavior must be addressed in the IEP so that the violation does not recur. IEP teams need to consider additional interventions and formal behavioral supports:
- Conduct a Functional Behavior Assessment
- Additionally, teams will want to either implement a Behavior Intervention Plan or review or modify any pre-existing Behavior Intervention Plan.